days of the oncoming of the Turk. Lek fought on the side of Venice, and when Scutari fell in 1472 he and many refugees fled to Italy along with the Venetians. But when Sultan Mahommed II died in 1481 and his sons fought for the throne, Turkish rule in Europe was in a critical state. The Serbs, however, helped to re-establish it by fighting on behalf of one of the claimants. During the confusion Lek Dukagin returned to his homelands, as did also Ivan Tzrnojevitch, the founder of Montenegro. Ivan became a vassal of the Turks, and is known to this day in Montenegro by his Turkish title, Ivan Beg. Lek Dukagin is not recorded to have done so. That he ruled as he pleased in the mountains is shown by his great fame there. It is said that in 1464 Pope Paul II had excommunicated him for his most un-Christian code.

Of the descendants of the Dukagini two are recorded as turning Moslem. Some settled in Venice—a "Luca Ducagini Duca di Pulato e dell stato Ducagini" is recorded in Venice in 1506. The Bib Doda family, who, until the Great War, were the hereditary chiefs of Mirdita, claimed descent from the Dukagini, but could give no definite pedigree. The tribe Bijelopavlitch in Montenegro traces descent from Paul i Bardh (Paul the White), brother or nephew of Lek.

Though Lek enforced the Canon, it so much resembles tribe law of other lands that we cannot believe he originated it in the fifteenth century. What he evidently strove to do was to check crime by inflicting certain punishments. That—as the tribesmen always declared—he both ordered the taking of blood and fixed a punishment for so doing, is incredible. He probably modified and added to existing law and strictly enforced it.

This is the Canon so far as I know it. Dom Kol Ashti, the very worthy priest of Shkreli, gave me many facts. Others I learnt from Mgr. Miédia, now Archbishop of Scutari. Much I picked up in my travels, and by comparing all have compiled the following account. In Maltsia e Madhe the Canon was much modified. Among the Dukagini it was in more primitive form. The Turkish Government had somewhat modified it; but everywhere it emphasized the tribe. The tribe has jurisdiction only within its lands.

MURDER WITHIN THE TRIBE

Murder may be the result of a quarrel or it may be a blood-feud, the cause of which is more or less remote. In either case the man who has taken blood flies at once to a safe place outside the tribe. Any house is bound to give him hospitality. In the case of a feud, he is regarded as a most unfortunate man who has but done his duty. He at once proclaims his deed. The headmen of his tribe then meet and

should strike the next man and the blow would entail a fight and blood. Women should walk the length of a distaff apart—they usually spin as they go—lest a blow given should draw their men into a fight. 671

Neither man nor woman must pass between two persons who have just been speaking together, for (? in some occult manner) this will cause them to quarrel. So strong is this belief that once in a small hut a woman gripped me by the shoulder, dragged me out, and squeezed herself between me and the wall in order to avoid passing between me and Marko, where there was plenty of room. Lek, I was told, had so ordained. I like to think that he did his best by means of house-burning and fines to diminish the very ancient custom of "blood," and that he did not deserve the Pope's excommunication. 671 576

As we have seen, house-burning and fine are the only punishments under the Canon. Nevertheless, by decree of the council of the whole tribe the death penalty can be inflicted. In February 1912 an amazing case of wholesale justice was reported to me which had recently taken place in Mirdita. A certain family of the Fandi bairak had long been notorious for evil-doing—robbing, shooting, and being a pest to the tribe. A gathering of all the heads condemned all the males of the family to death. Men were appointed to lay in wait for them on a certain day and pick them off; and on that day the whole seventeen of them were shot. One was but five and another but twelve years old. I protested against thus killing children who must be innocent and was told: "It was bad blood and must not be further propagated." Such was the belief in heredity that it was proposed to kill an unfortunate woman who was pregnant, lest she should bear a male and so renew the evil. Three shots which missed were fired at her; she rushed to a man and called on him to protect her. He took her under his besa and she was spared. 681 627 [827] [671]

A case of private "justice," though it took place in South Albania at Postenani, a small isolated village, and so is not connected with the Canon of Lek, is so singular that it should be recorded. I stayed some days at the village and, when leaving, a crowd gathered to see me start. When we were on the way my guide asked if I had noticed a woman who had stood near the door; I had not. He said it was a pity, as she was a very brave woman and had saved her husband. They owned a house and some land; a child was born to them, and all went well till her husband's brother arrived. He was a bad man, and demoralized the village, not only by starting gambling with card games, but by drinking and teaching very vicious practices to the youth. The woman with dismay saw her husband taken with the gambling craze, playing away his goods, and nearing ruin. Then the child was ill. She prayed her husband to send for a doctor; but the nearest was a whole day's 681 183 [525]

2: Durham B-5 (ca. 1910)1928 EG1 Albania EG1

ride distant, and he replied it would cost too much. The child died. The woman then became desperate, and to save her husband she killed her brother-in-law. I asked, "Did she shoot him herself?" "No, she paid a Turk to waylay him on his way to market." The whole village was glad to be rid of him. Everyone knew she had done it. "But what did her husband say?" "At first he was angry, but he soon saw it was for the best. Now they live happily, but God has not given them another child." "Could he not have been handed over to justice instead of being shot?" "No, he was rich and would have bribed the Turkish authorities, and have been let off and been worse than ever." "Did not the Turkish authorities interfere about the murder?" "No, why should they? It was within the family, and all agreed it was right. She saved not only her husband but the whole village, and was a very brave woman."

3. Montenegro

The first written Code of Laws was drawn up for Montenegro by Vladika Petar I in 1796.

An examination of this Code shows that it is meant to deal with a state of affairs resembling that with which the Canon of Lek Dukagin deals, and is a step in advance. All early accounts of Montenegro show the tribes ceaselessly "in blood" with each other, and the rules and customs identical in most respects with those of the Dukagini. Nor is this surprising, for our examination of the Montenegrin tribes has shown that many are of Vlah and Albanian origin, and that the Montenegrin is not so much a Serb as a Serbized descendant of the older inhabitants.

Vladan Georgevitch, in *Europa i Crnagora* (Belgrade, 1912), gives many documents which show this resemblance of the customs of Montenegro to those of the Dukagini. From that of the Russian, Putchkov, dated March 21, 1760, we learn that the then Vladika Vasili was afraid of his own people and kept near Putchkov as a protection. This shows that in Montenegro, as in Albania, a man could not be shot if with a guest. "The people," he said, "are wild, and without great trouble no order could be made among them, for they recognized no right and knew no law. If any does harm to another, blood is at once taken, and the murderer flies to another district, where he is safe from punishment. Thus a Popovitch of Tzrmnitza Nahia killed a neighbour and, leaving wife and children, fled to Cetinje. They 'destroyed' his house—that is, they pulled off the thatch and pulled out a few stones." He reports that he saw many such houses. "If the murderer is of a powerful house he stays at home, and 'the house' wages war with that of the murdered man till peace is arranged by the headmen or the

[P77-120 BLANK]

587 law was taken to wife more often than not. To remonstrances the reply was, "She belongs to us," and it was pointed out it was the only way to get a wife without paying for her.

[589] In these districts, if the widow is sold, the bride-price is shared by her husband's family and her father's.

595 A man at Nikaj came to see me who was excommunicate for having
577 two wives—a legitimate wife and the widow of his cousin. He told me
688 he could not possibly put her away because it would be a disgrace to do so. She must stay in the house because she had young children to bring up, and so long as she is in the house he must cohabit with her, for she cannot have another husband. He was unhappy about the excommunication—but one must do one's duty and take the risk.

587 It is perhaps noteworthy that in the districts where this custom
144 is firmly rooted there are no Slavonic place-names and no appearance
103 of any Slavonic blood. The people are all in stature shorter and smaller built than the Maltsia e Madhe people. They are almost all dark-eyed—dark-brown to hazel—and dark-haired. The skull is short, but is round at the back and has not the characteristic flat back of the folk farther north. The hair grows very low on the forehead, especially on the temples, where sometimes it almost unites by a thin line of hair with the outer end of the eyebrow. The eyebrows often nearly meet in the middle. The nose is short and straight. The moustache is sparse and straggly. The beard, such as is seen after a fortnight without shaving, often sparse or patchy.

587 The custom of the levirate may therefore belong to the small,
174 dark, pre-Slavonic people.

The purpose of the levirate in other lands is often said to be to raise up children who are to rank as those of the deceased. Though this may have been the reason in the above-mentioned case of the man who took the very recently married widow of his brother, in the great majority of cases in Albania it is not so; for the widow with sons is the one who has the right to remain, and in fact must remain, in the family house; and therefore it is she who is most frequently the levirate wife. In this matter Albanian custom seems to differ from that in other lands where the levirate is practised.

4. Rights of Husband over Wife

562 No one may beat a woman but her father or her husband. In the mountains a husband had the right to beat his wife if he told her three
593 times to do, or not to do, a thing, and she disobeyed each time. If he
681 orders her not to reply and she does so he may beat her. Even some

beliefs and rites one can hardly doubt. As is well known, the gods of the heathens became the devils of the Christians.

776 Marko was greatly afraid of Beelzebub and mentioned him with
777 a curse and a whisper. Belial and Beelzebub were supposed to be the most active. The tribesman followed the advice of his priest and put
[304] a cross on his house and tattooed himself with a cross, but he further protected himself with more ancient signs; he planted the skulls of horses, goats, and oxen on poles round his house and fields. Some houses had rows of skulls. I wondered whether, in old days, human ones had figured there, too.

The horse-skull was most valued not only in Albania, but also in Bosnia and in Montenegro. Where civilization has penetrated the horse-skull was often replaced by a twisted petroleum tin whitewashed. Short-sighted devils, seeing it from a distance, could easily have mistaken it for the real thing and fought shy.

[793] Priests are but human. I found one Catholic priest had a whole array of horse- and other skulls round his beehives. He laughed it off when I remarked on it, and added that bees were very liable to disease. He evidently wanted to be on the safe side.

754 I often found in the mountains a distinct fear of being drawn, or "written," as they always called it. At Vraka I asked if I might draw the interior of a house. The woman was doubtful. She at last said I was not to "write" her or her children, and, to make sure, she drove the children out of the house. In Luria I was told not to "write" anyone or any house. At Lohja was a wonderful old man, who was reputed to be 110, who boasted that he had sinned but twice in his life—and then it was not his fault. Men in plenty he had killed, but never dishonourably or for money. The company suggested that I should "write" him. Much flattered, the old man sat still for a while, but when everyone shouted that the sketch was exactly like him, he became greatly alarmed, and earnestly begged me never to destroy what I had "written" about him, for at the moment it was torn he would drop down dead. I preserved the sketch, and five years later found him still going strong.

754 At Seltzi, in the Klimenti tribe, I was told the best way to detect
787 a shtriga is to keep the bones of the pig you ate on the last day of Carnival. All through the Balkans the pig, abhorred by Turk and Jew, is a sign of Christianity. On Easter Day you make a cross with the pig's bones and tie it on the church door when the church is full of people. If any shtrigas are in the church they cannot get out except carried on the shoulders of the man who made the cross. They run
754 wildly round and round and can be caught.

681 There was, so far as I could learn, no traditional punishment for a

2: Durham B-5 (ca. 1910)1928 EG1 Albania EG1

witch in Albania; and though there can be no doubt that one has now and then been done away with, the general idea was that it was best not to interfere lest worse should follow.

Marko strongly believed this. A woman a few doors away from us was a shtriga, and he ascribed much ill-luck to her. He avoided her as much as possible, and did not speak with her. When the autumn began to turn cold, numbers of mice that had summered in the cornfields came into the house. My room swarmed, and they ran over me at night. I told Marko to buy a trap. He seldom forgot things, and when I asked for the trap in the evening, I was surprised that he had not bought one. Again next day I asked him not to forget the mouse-trap; and again there was no trap. Then Teresi, his wife, came to me and said: "Please do not ask Marko to buy a trap; he does not want to." "But why?" She hesitated. "Marko thinks the mice are sent." "Sent?" I asked. "But who can send them?" "Marko thinks that woman—the shtriga—has sent them." I was delighted and asked: "How do people send mice?" "Marko says that with Beelzebub all things are possible." "But why should we not kill the mice?" "Because she would be angry and send something worse. Perhaps rats! Who knows?"

It was clearly impossible to trap the mice. I considered the situation, and next day asked if we might have a cat. Marko thought deeply. He then said it was natural for a cat to kill mice; we, in fact, should be powerless to prevent it, and should not be responsible. The cat was obtained—a splendid mouser; and so we defeated the shtriga. It is clearly better not to incense them.

Men also are magicians, but I think not so often. A magician appeared at Nikaj when I was there. He was believed by the priest, whose guest I was, and by Marko to be so diabolical that the former ordered him to leave the parish, and neither of them would let me go out without a strong bodyguard; so I never got near him. He was famed for being able to raise many devils by dancing and wagging one leg behind him, and was believed to have come to Nikaj because most of the women were shtrigas.

A magician in Albanian is "maghistar" or "menghistar." Magic is "maghi" or "menghi"; "menghi" is also a remedy. In early days medicine and magic were one and the same. The words appear to be derived from, or connected with, "magus." The wise man of old used spells just as did the "wise woman" of the English village.

A strange tale which all believed was told of such a man who had worked much harm with magic in the Djakova district. One of the local beys, therefore, arrested him and locked him up. When he had been some time imprisoned the bey was one day entertaining guests on a feast day. The party was dull, and someone asked where that magician

4: Garnett B-4, 5 (ca. 1880) 1891
EG1 Albania EG1

If, however, she returns home and marries into another family, her father pays to her first husband's heirs, or to her son if she have one, half the dowry promised at her second betrothal. With the exception of her deceased husband's brother, a woman may not re-marry in the same village without the consent of his relatives. In the mountains of Pulati this is never given, and a vendetta follows if it is dispensed with. If the betrothed man die, his brother has also the right to marry the betrothed maiden, but must pay to her parents, in addition to the dowry already promised, a hundred and fifty piastres.

An Albanian has the right to beat his wife if she misconducts herself, but this right is little exercised except among the Liaps, who are the rudest and most brutal of all Albanians. He must, however, be careful not to draw blood even in the most trifling degree, for, if a wife receives a mere scratch in the course of a castigation, she complains to her parents, who cite the husband before the authorities. The penalty consists chiefly in the payment of a considerable fine, which becomes the private property of the woman abused.

Divorce is not uncommon among the Moslem Albanians, who follow in this respect the customs of the Ottomans, the husband paying to the discarded wife the sum specified in the marriage contract in view of such a contingency. The divorce generally takes place at the instance of the husband, but the wife may also claim it for a limited number of reasons. If, for instance, a man has left his native town or village, and does not return within the period fixed by the

10:Hasluck F-5 (1926-1939)1954 EGl Albania EGl

embodied in a code there is an end to its spontaneous development. But to reach this stage the code must be an enacted code, written and recorded, and this the pronouncements of the Albanian law-givers failed to achieve. On the contrary their codes seem to have remained in the verbal custody of the village or tribal elders and subject to modification or reinterpretation from time to time by assemblies of clans or villages. It is at this stage that we have Mrs Hasluck's account of Albanian customary law—law primitive enough in many ways to be compared with the customary law of tribes much less civilized than the Albanians; but it reached the point, and that some five hundred years ago, of becoming codified verbally by the efforts of individual law-givers, Skanderbeg in particular and the famous Lek Dukagjini, without having reached the stage of enactment. This was principally due to the fact that there was no one able to enforce sanctions over the Albanian community as a whole; individual Albanian chieftains had not the power, and Turkish rule interfered but little outside the towns.

It was no doubt this absence of any such sanctions as those provided by an enacted law and enforced by a settled government, or merely even by the continuity in administration of a single ruling family, which was the primary cause of the firm establishment of the vendetta as the real sanction for all Albanian law and custom. At the same time, however, economic conditions have probably contributed to this result, for in a richer country the administration of justice might have been made profitable to any ruler strong enough to provide it. Thus Albanian customary law not only reflects an economic stage through which most nations have passed before the establishment of enacted codes, but also a condition, by no means unique but very far from universal, in which poor and isolated communities have resorted to the vendetta for the sanction of their law, and that in spite of any influence that Christianity or Islam might have had to prevent it. The etiquette of the vendetta itself is likewise a customary code not dissimilar to taboo in nature and origins; and without any more definite sanction, or naturally any sort of legislative enactment, regular and almost technical forms of procedure have come into existence in what virtually are regularly constituted courts. In this the Icelandic practices, as described in the sagas of Njal and Kormak, for instance, afford a near parallel to those of Albania, and Mrs Hasluck's account of Albanian custom will prove of importance not

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a first-born may be inefficient, the mantle of a dead or dying head falls on the son who in the opinion of all the adult males in the household is the best fitted to keep it together, irrespective of whether he is the eldest or not.[1] This combination of birth and unanimity of choice gives these heads the strength of inevitability, so that they can be neither envied nor rebelled and intrigued against, but must be recognized and implicitly obeyed by their subordinates—a most important factor in keeping the peace.

Before the Turks left in 1912, the headship of a northern village or tribe descended in the same family, always to the head it had chosen for itself. Since 1912 successive Albanian governments have slightly modified this system. In non-tribal areas like Mat, Martanesh and Shpat there has been less need for a change; as far back as we can go, the head of the average village or group of villages has been elected by the community for his personal qualities in the same way as the head of a house. A few villages of Mat, however, had long been ruled by the landlords (*begs* or *beys*) who owned them; after 1912 the power of these landlords, the Zogu family excepted, was curtailed by the central government like that of the bajraktars of the north.

In the old days the laws were administered as well as enacted or revised by the ruling rank, who were collectively known as elders. The system was elaborate, with public trials over which elders presided, and at which evidence was taken from witnesses on oath as well as from the plaintiff and the accused, and a jury might be asked to render a verdict. Fines were the usual penalty for petty misdemeanours, and temporary banishment, permanent expulsion or death for serious offences; a modified form of imprisonment also existed. Offences against the cohesion of the social fabric, as understood by the mountaineers, were reckoned more serious than crimes against an individual. Thus parricide was graver than fratricide; the first struck a blow at parental authority, an essential part of the social structure, but since one brother had no right to rule another except in special cases, fratricide was little worse than an ordinary murder and hardly a public concern.[2] The murder of a neighbour or the theft of his property seldom entered the serious category until the criminal became an habitual offender. Then the community, regarding the man as a social menace from whom none of its members was safe, took whatever action the law laid down for his case.

[1] See Chapter V.

[2] See Chapter V, p. 38.

10: Hasluck F-5 (1926-1939)1954 EGl Albania EGl

compulsory. Any who failed to attend and could not justify their absence were fined. Together with the general public, they had to investigate complaints against a senior elder or a bajraktar, and if they found him guilty, they had to fine or ostracize him. In their attempts to prevent breaches of the peace they were entitled to try any method from peaceful persuasion to forcible restraint by the whole village. When, for instance, a tribesman refused to accept a judgement that was demonstrably lawful and unbiased, they could call a General Assembly to discuss the case. A public fine generally ended the man's obduracy. If not, the village elders could ask all the headmen and 'soldiers' of the tribe to come and bring him to his senses by threatening to destroy his house and property. They continued to apply the old law, the public preferring these methods to those of modern officials.

Canon elders were subordinate to the bajraktar and the voivodes of their tribe, acting as their assistants at General Assemblies.

In non-tribal districts like Shpat and Martanesh the canon elders of Mirditë were represented by a body of men called 'local elders'. These were hereditary, found in every village and restricted in their law-giving to their own village.

Another type were called 'specialist elders' in the southern tribal areas, 'regional elders' or 'mountain elders' in Martanesh, and plain 'elders' in Theth. The great majority owed nothing to heredity and everything to themselves, being ordinary men who had gradually built up a reputation for good sense, conciliatory temper and especially knowledge of the mountain law. A few were hereditary elders who had displayed the same qualities. Except in a few unusual cases they did not hand on their gifts or their position. As it required time to build up their reputation, the generality were older than herditary elders when they attained this position. They began by settling petty troubles within their brotherhood and gradually as their reputation grew, they extended their sphere of action to their kin, village and district in succession. A brotherhood elder must not interfere in another brotherhood, a kin elder in another kin or a 'local elder' of Martanesh in another village. But the specialists might travel far and wide outside their own social unit judging and arbitrating wherever required. Provided that they judged according to the law, their judgements were binding and overrode any delivered previously by a local man. As gifted men do not arise at will, they were never common but were found only

10:Hasluck F-5 (1926-1939)1954 EGl Albania EGl

671 *Tomori* on 7 November 1942. The greater part of this document deals with an entirely new situation and the methods by which the people of Mat undertake to adapt themselves to it. But even in this document there appears the familiar restatement of old laws against the familiar crimes of murder, theft and the abduction of women.

681 Differences in the penalties laid down for the same offence may possibly point to social and economic differences among the tribes. For example, in Nikaj, Shalë and Curraj (Documents VII and VIII) a defaulting debtor is to be deprived of civil rights and may be killed or robbed unless he meets his obligations. In Kastrat (V) he is fined twenty-three grosh as a defaulter, but much more heavily fined if his sureties have to pay his debt. Nikaj was a poorer area than Kastrat, and that fact may explain to some extent the difference in penalty. The treatment of stealing also differs as between Kastrat and Shalë which was the poorer of the two. In Kastrat the robber of another's house or sheepfold is to be fined 500 grosh and five rams, but in Shalë (X) the thief who steals a single animal—a ewe, a goat, a cow—is to have 'his harvest burnt, his fields plucked bare and his grain panniers smashed'.

628 682 Some stories related by Father Gjeçov illustrate the application and development of the law. About 1860 a villager of Fregënë in the Mirditë tribe of Dibër told a neighbour to kill a certain man and promised that when the time came to pay the blood money he would see to it. On the faith of this promise, the neighbour ambushed the man on the high road and shot him dead. A little later, Captain Bibë Doda, the Gjomarkaj of the day, went on tour for the purpose of composing current blood feuds. The Fregënë feud came up, among others, and the murderer was ordered to rebuild his victim's house by way of paying blood money. He asked his evil counsellor for the money he had promised, but the latter declined to pay. Captain Bibë and the heads of the tribe summoned this man, and asked him if he had told his neighbour to commit the murder and promised to pay the blood money. The man dared not deny doing so. Then Captain Bibë, together with the bajraktar of Dibër and other heads, reasoning that 'lips can't land a man in a blood feud' and 'words don't make a funeral', made it law that 'Murder depends on the finger'; that is to say, the murderer who must pay with his life or money for the crime is the man whose finger pulled the trigger. They then sentenced the Fregënë murderer to pay blood money for his crime, saying that

10:Hasluck F-5 (1926-1939)1954 EG1 Albania EG1

[688] 681 It was not the theft but the sacrilege that on this occasion called the tribe of Orosh to a General Assembly and made them pronounce even the death sentence; without the sacrilege the fine would have been penalty enough. Murder of a priest, again heinous sacrilege, raised the same issues, but without hope of any reprieve from death save what secret flight might provide. Murder of a guest or of a man with whom the murderer had previously sworn an oath of peace, that is to say, of persons who had a right to protection, also came before a General Assembly and was punished by the severest penalties, including death. Yet theft in the ordinary way was [694] handled by elders and punished by a fine, and murder of the ordinary type was left to the victim's family and punished by blood vengeance. These were crimes against the individual and matter for individual handling. Sacrilege, however, and the murder of protected persons, were crimes against society, the former threatening the authority of the Church and the latter the tribal fabric.

689 623 When a man's general behaviour was a public menace or nuisance, he usually found himself before a General Assembly. To begin with, the elders of his social unit took the matter up as was their duty, attempting first to reason him into a better frame of mind. If this failed, they had to call a plenary meeting of the village to try the culprit and to carry out whatever sentence was pronounced. This was usually burning down his house and leaving his land untilled for a specific number of years. If he still persisted in his evil-doing, and this was serious socially speaking, the elders could call the whole tribe to their assistance. For public pests incited public extermination, and this required the sanction and the whole force of the tribe. Miss Durham relates what she calls 'an amazing case of wholesale justice' which occurred in the Mirditë tribe, Fan, in February 1912. A certain family in this tribe had become notorious for evil-doing, robbing, shooting and general misconduct. A 'gathering of the whole tribe' condemned all the males of the family to death. Men were appointed to lie in wait for them on a certain day and pick them off. And on that day the whole seventeen of them were shot. One was only five and another only twelve years old. It was even proposed to kill an unfortunate woman who was pregnant in case she should bear a male and so renew the evil.[1]

[1] Durham, op. cit. p. 75.

10:Hasluck F-5 (1926-1939)1954 EGl Albania EGl

offenders, banishing others, and executing the ringleaders if these had committed any crime entailing the death penalty.

Sometimes a village went to actual war with the rest of the tribe. As it never did so unless it knew itself to be very strong, the rest of the tribe was sometimes unable to reduce it. If the tribe was alone, the war went on until both sides were exhausted enough to cry halt. If the tribe was one of a group its heads could call in all the men of the other tribes to reduce the belligerent. In Mirditë a Gjomarkaj called the General Assembly which decided on this step, and led its members against the belligerent.

Sometimes, like a pestilent village, a tribe that formed part of a group made itself a nuisance to its neighbours. In that case the General Assembly of the other tribes in the group sentenced it wholesale to the usual penalties—fines for mild offenders, burning out for medium offenders and death for bad offenders. A whole tribe, however, could not be banished. It could only be ostracized, cut off from all intercourse with its neighbours; this penalty lasted until it consented to furnish the usual pledges for its future behaviour.

Village Assemblies dealt with matters of exclusively village interest. They regulated wood-cutting and irrigation rights, for example. They fixed the date at which beasts might be sent up to their summer pasturage on the high mountains. They stipulated the number of beasts that might be sent up by each family. They took steps to see that no one appropriated more than his fair share of forest, irrigation water or grazing. In so doing they made a valuable contribution to the public peace. Some aspects of murder also engaged their attention. The actual crime and revenge for it were the concern only of the families of the murderer and his victim. But it was the concern of the village that the range of revenge should not spread, increasing the number of avenging assassinations and so disturbing the village peace. So the law having laid down that the avenger must allow the murderer a day or two's grace to settle up his affairs before he was besieged in his house, the village had to extract a promise of this grace from the avenger. In cases where the grace lasted for thirty days, the village had to see that the murderer did not abuse his privilege and harry the victim's family. If he showed any such tendency, the village in General Assembly had to fine him and bring his period of grace to an untimely end.

10: Hasluck F-5 (1926-1939)1954 EGl Albania EGl

CHAPTER XXII

BLOOD FEUD

I. FAMILY VENGEANCE AND COLLECTIVE VENGEANCE

To understand the fabric of the Albanian blood feud it is essential to remember several things. Till after the 1914–18 war communications in Albania were so bad, government centres so few and the gendarmerie so ill-organized that communities were largely self-governing. These communities consisted in the narrower sense of the family, and in the wider sense of the tribe. If a person was injured, the family in most cases, and the tribe in a few cases, by the law of self-government punished the wrongdoer. Since the individual was almost completely submerged in his family, an injury to him was an injury to the whole family and might be punished by any of its members. When the tribal community was involved, the injury might again be avenged by any of its members. When the injury took the form of murder, vengeance generally took the Mosaic form of a life for a life, but sometimes was achieved by the exaction of blood money or the imposition of exile.

When the family of a murdered man, in default of government action, took the punishment of the murderer into its own hands and killed him or one of his male relatives, the head of his family might admit that both sides were equal and make peace. On the other hand, while still admitting that both sides were equal he might prefer to continue the feud by killing a second male from the avenging family; that done, a second life was forfeit on his side. In this way the feud might rage backwards and forwards for years or even generations, each family being in turn murderer and victim, hunter and hunted. 'To take vengeance' was 'to take the blood' (that is, of the man already killed, not of him who was to make atonement); the criminal was called 'the bloodstained', and avenger and criminal thought of each other as the 'enemy'. In north Albania the criminal was also called the 'agent' and the avenger the 'master of the blood of the victim', i.e. the master of the house in which the victim lived. 'To incur a feud' was 'to fall into blood' or 'enmity'.

This simple outline was filled in with all manner of elaborate

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inside the blazing building, his death was certain, and that if he came out, he had a sporting chance of escaping the avenger's bullets. He had, therefore, no choice but to leave the burning house. In the same way when gendarmes surrounded a house in which a desperate criminal was hidden, he preferred to run the gauntlet of their fire rather than wait tamely to be seized and led off perhaps to death as a menace to society. This was particularly true of Turkish times, when dangerous criminals were generally shot out of hand when arrested.

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APPENDIX

LAWS PASSED AT GENERAL ASSEMBLIES

(TRANSLATED FROM THE ORIGINAL ALBANIAN)

I. Some Laws Ratified by the Prefecture of Shkodër.

(From Father Gjeçov, *Kanùn*, pp. 128–9.)

1. Bride-price is not to be altered. The amount fixed seven years ago remains in force. It is, therefore, 600 grosh, a sum which includes everything. Whoever acts contrary to this order will be fined 1000 grosh.

2. Girls will be betrothed by their father, or if they have no father by their brother and, failing him, by their nearest male cousin. Women are not to interfere in betrothals.

3. Every betrothal will be arranged openly not secretly, and there will be a go-between as witness. When the betrothal has been completed and rifles have been fired off in front of the betrothed girl's house, the men who have the right to betroth her will go to the parish priest in order to register the names of the betrothed pair, the registrar and the witnesses, together with all the circumstances. Whosoever does not abide by this decree will be fined 1000 grosh.

4. Whoever refuses to go through the marriage ceremony when the priest comes for that purpose will be fined 1000 grosh.

5. Whoever incites a married woman to run away will be fined eight purses.

6. Whoever gives a bride to a man who has divorced his lawfully wedded wife will be fined 1000 grosh.

7. Whoever shall dare to send away his lawfully wedded wife in order to take another woman in unlawful wedlock will be fined 1000 grosh.

8. Whoever sells his daughter or sister or other female of his blood relations will be fined, like the buyer, 1000 grosh.

9. On the basis of the ancient customs, which are still observed among the Christians of the mountains of Shkodër concerning betrothals, marriages, enticing of other men's wives, running away of wives and other similar causes of trouble, some laws have been enacted for the repression of the aforesaid evil acts and have been approved by His Lordship the Archbishop of Shkodër, Mgr Luigi Çurçi, and by the mountain chiefs. These laws after being weighed by the Government Council have been approved and ordered to be put into execution.

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[681] 10. The government authorities therefore by this Decree order that the nine points above-mentioned shall be observed and put into execution without fail or opposition.

Issued by the Government Authorities of Shkodër
Shkodër, Albania
May 9th, 1864

L.S. Mareshali
Civil and Military Representative of the
Government with the Prefecture of Shkodër

ISMAIL PASHA

[619] II. Solemn Pledge between Mnelë and Gomsiqe, February 13th, 1873.

(From Father Gjeçov, *Kanùn*, p. 118.)

At the meeting we are holding to-day we have decided to write out the following document in order to have it for reference.

We, the tribesmen of Mnelë and Gomsiqe, comprising 150 houses, have solemnly promised each other to hold ourselves ready and of one mind for every need that may eventuate.

The witnesses of this pledge are:

[Here follow the names of 15 tribesmen, headed by the bajraktar.]

Written this day of February 13th, 1873.

III. Laws Enacted by the Twenty-four Elders and Agreed by the Chiefs, etc. Written in the Village of Kastrat on November 2nd, 1891.

(From Father Gjeçov, *Kanùn*, p. 125.)

1. From Krue i Ri, which belongs to all Kastrat, up to She i Gurit; from Vorr Gjolaj to Breg i Gurrës, marching with Gjelosh Luce; from Shkamb Gropë Mollë to Brigje; from Gjekë Petroviqi to Çukë e Gurrës... whoever quarrels or fires a weapon within these limits will be fined 3000 grosh and 24 rams.

[312] 2. Whoever refuses to allow a woman to fill her water-pitchers at fountains and springs saying she has no right to a share of the water, will be fined 250 grosh and 3 rams.

3. Whoever calls another names in the above-mentioned places or calls another's mother and father names, will be fined, if he is full 15 years old, 250 grosh and 3 rams.

4. Whoever goes to do a mischief in a mill must, if he is full 12 years old, pay a fine of 250 grosh to the miller and 500 grosh and 3 rams to the chiefs.

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[Laws enacted in the village of Kastrat on Nov. 2, 1891]

5. Whoever moves the stones of an old boundary and puts them in a new place will be fined 3000 grosh and 6 rams. [681] [423]

6. No one is to frighten a flock sheltering from the heat in a place it was in first.[1] Whoever does this will be fined 250 grosh and 3 rams. [233]

7. The mill question remains inviolate as always and neither the Vukpalaj nor the Gjolaj may start a *degamë*,[2] and any miller who takes more than 5 per cent of the flour will be fined 500 grosh and 6 rams. [256]

8. Any man who cuts down a tree under which animals take shelter from the heat or cuts off a mill or an irrigation stream will be fined 500 grosh and 6 rams.

9. Other fountains and springs are left under the old law, that is to say, whoever destroys a fountain or spring or prevents another from filling water-pots will be fined 500 grosh. [312]

10. Milling is by order of arrival. Any miller who mills for a man who comes later than another and breaks the order either out of favouritism or because corrupted by bribes will be fined 150 grosh and 3 rams. [256]

11. Whoever admits a stranger to huts on a mountain pasturage will be fined 500 grosh and 6 rams.[3]

IV. Truce Sworn between Nikaj and Mertur on August 10th, 1892. [628] [619]

(From Father Gjeçov, *Kanùn*, p. 121.)

The two tribes have sworn a truce with each other:

(1) As from August 14th up to the day of Our Lady of Mertur.

(2) As from December 26th up to the day of St Sebastian.

The guarantors of Flock and Shepherd, i.e. Nikaj and Mertur and the Bajraktars of Krasniqë and Gash.

V. Laws Enacted in Kastrat and Bajzë on November 1st, 1892 A.D. [681]

(From Father Gjeçov, *Kanùn*, p. 126.)

At a general meeting held under the presidency of Brahim Beg the serxherde, Kasem Beg the bylikbash and the four and twenty chiefs (elders) of Kastrat, the following laws were enacted.

1. Whoever murders a man of Kastrat or of any of the other mountains will be fined 3000 grosh and 24 rams.

[1] This must be a mistranslation. The Italian version of the sentence runs: *che nessuno ardisa impaurire il bastiame gravido.*

[2] The Italian version of this very obscure clause is as follows: *Le disposizioni riguardanti i mulini rimangono inaltarate per sempre e non possono causare litigi nè fra il povero nè fra il ricco*, clearly referring to the principle, enunciated again in § 10, which compels the miller to treat all his clients on the principle of 'first come, first served'. It is possible that the Albanian version has been misunderstood.

[3] This refers to the letting of some of the tribe's scanty pasturage to strangers.

10:Hasluck F-5 (1926-1939)1954 EGl Albania EGl
[Laws enacted in Kastrat and Bajzë on Nov. 1, 1892]

681 2. Wounding a man means a fine of 1500 grosh and 12 rams.

[627] 3. Whoever fines another without doing it through a General Assembly and by common consent, will be fined 1000 grosh and 10 rams.

4. Whoever disputes with another or calls him names or aims his rifle at him in the following places—Breg i Shpellës, Viri, and Krue i Ri —will be fined 1000 grosh and 10 rams.

5. Whoever breaks down another's hedge in order to make a patch for himself must pay 150 grosh (3 rams) to the owner of the hedge.

6. Whoever murders anyone on the high road will be fined 3000 grosh and 24 rams.

7. Whoever robs another's house or sheepfold will be fined 500 grosh and 5 rams.

8. Whoever dishonours a woman or an engaged girl will be fined 3000 grosh and 10 rams.

[692] 9. Whoever does not wish to engage elders and goes away saying 'May I never forgive you' will be fined 500 grosh and 5 rams.

[233] 10. Whoever lets his animals graze on another's land will be fined 250 grosh and 3 rams.

[423] 11. A man who will not hear of fencing in his portion of land, going halves in the fence with his neighbour, will be fined 250 grosh and 3 rams.

12. A man who does not meet his obligations at the term fixed will be fined 23 grosh.

13. Whoever steals an ox, a cow or a horse in his own village will be fined 500 grosh and 5 rams.

14. A man who does not respond to the village's call to come to a General Assembly or some other requirement of the village will be fined 250 grosh.

[487] 15. A man who closes a gap which has always been in the hedge will be fined 150 grosh.

16. The chiefs are to meet in General Assembly once a year, one [623] week after St John's Day. Whoever does not conform to this decision will be fined 500 grosh.

[693] 17. 'Pledge elders' are not to take more than 10 grosh as their fee for a judgement, and commoners not more than 5 grosh.

[628] 18. Whoever murders his adversary after their feud has been compounded by order of the government will be fined 12 purses and expelled from the village and turned into a ghost.

681 231 19. A dog which enters a vineyard with a wooden collar on its neck may not be killed. A dog which enters a vineyard or field without a wooden collar may be killed.

20. Whoever brings a house-dog with him to church or to Shpellë will be fined 50 grosh.

10: Hasluck F-5 (1926-1939)1954 EGl Albania EGl
[Laws enacted in Kastrat and Bajzë on Nov. 1, 1892]

Whoever brings pigs or sheep to Shpellë will be fined 50 grosh.
Whoever washes clothes at Shpellë will be fined 50 grosh.[1]

21. A man who leaves his sureties to pay his debt is to pay a fine of 225 grosh to his creditor and 150 grosh to the chiefs and 5 rams.

VI. Supplement dated 1894.

(From Father Gjeçov, *Kanùn*, pp. 124–5.)

1. Whoever takes a woman to live with him without marrying her or runs off with a married woman or a girl shall pay 1000 grosh to the Church, 500 grosh to the chiefs and 10 rams.

2. Whoever tears his face in mourning and lamentation for the dead, shall pay 1000 grosh to the Church, 1000 grosh to the chiefs and 10 rams.

3. Whoever does not permit the chiefs and fine-collectors to carry out a tribal law will be fined 500 grosh and 5 rams.

4. Whoever commits a murder during a truce or after the feud has been compounded will be fined 6 purses and 10 rams.

5. Whoever fires a rifle in a house where there is a wedding shall, whether he be a guest or the master of the house, pay 500 grosh and 5 rams.

The same fine shall be paid by whoever annoys another with abuse at table whether at a dinner or a wedding.

6. Whoever acts contrary to these laws, whether he be chief, fine-collector, or commoner, shall pay 3000 grosh.

Brahim Beg *serxherde*
Kasem Beg *bylikbash*
Dodë Prençi bajraktar
Zenel Shebani
Gjokë Doda
Keq Prela
Zef Gjeka
Prelë Toma
Gjelosh Nika
Vukusa' Leka
Brahim Vuksani

[In front of each of these names there is a Turkish seal.]

VII. Solemn Pledge for Flock and Shepherd in Nikaj and Shalë, St Prende's Day 1894.

(From Father Gjeçov, *Kanùn*, pp. 119–20.)

1. As regards roads it has been enacted as follows:
From the fountain in Faqe to the crucifix in Brazhdë the road is

[1] (Note by Father Gjeçov: Shpellë is the place where Bajzë and district take water.)

10:Hasluck F-5 (1926-1939)1954 EG1 Albania EG1
[Solemn Pledge for Flock + Shepherd in Nikaj + Shalë, St. Prende's Day, 1894]

681 solemnly pledged to safety for whoever goes to spend the night in Nikaj
[491] or Shalë. If any tribesman of Shalë who goes along this road is killed
[574] by a tribesman of Nikaj, the guest of all Shalë is killed, from dawn of day till the fall of night. If any tribesman of Nikaj who goes along this road is killed by a tribesman of Shalë, the guest of all Nikaj is killed, from the dawn of day till fall of night.

Between the same points the road is safe for Shosh and Mertur and is under the protection of Nikaj and Shalë. If a tribesman of Shosh kills a tribesman of Mertur he kills the guest of Shalë; if a tribesman of Mertur kills a tribesman of Shosh, he kills a guest of Nikaj.

[495] Whoever resorts to violence on this road must make an oath with twelve men taking the oath and twelve standing by.[1]

[233] 2. A flock and its shepherd are not to be killed by anyone; their safety is solemnly pledged and guaranteed. Any man who kills them must pay 20 purses or be killed and have his life equated to theirs.

3. If the pledge of safety is broken and a tribesman of one tribe kills during the period of pledge and guarantee and a tribesman of the other tribe does not so kill, twenty-four men of the tribe that had a man killed must take oath saying, 'You killed me when guaranteed'.

4. The whole road to Curraj up to the Krue i Ftofët (Cold Spring) is under a pledge of safety.

5. Mowers and reapers with scythe and sickle are under a pledge of safety in both summer and winter pasturages.

[3,13] Cutters of pine slivers and timber are under a perpetual pledge of safety.

[204] Shooters are under a pledge of safety from St Nicholas's Day in summer (May 9th) to St Nicholas's Day in winter (December 6th).

[312] A man irrigating during the night is under a pledge of safety.

6. A house with hearth and flour-bin and the keep of a house are not under a pledge of safety.

[231] Sheepfolds are under a pledge of safety.

7. If anyone goes out from the keep or the house in order to go to the sheepfold which is under a pledge of safety he must say, 'Look, man, we're going to the animals (or the fold), which are under a pledge of safety.'

[562] 8. As for women in Shkodër and Gjakovë:

If any of them wants herself to run away or to behave badly for the fun of it, good luck to her.

[1] (Note by Father Gjeçov: It was the custom in Dukagjin to make half, not all, of the jurors take an oath. If twenty-four jurors are ordered, twelve go and lay their hand on the Gospel and the other twelve stand listening with folded hands. In many mountain districts unless the principal person concerned excuses someone, it is the custom of all the jurors to go and lay their hand on the Gospel while repeating the words of the oath.)

10: Hasluck F-5 (1926-1939)1954 EGI Albania EGI
[Solemn Pledge for Flock + Shepherd in Nikaj + Shalë, St. Prendo's Day, 1894]

If any man meddles with one by force he has meddled with a person under a pledge of safety. [681]

If any man dishonours a woman or ravishes her he has meddled with a person under a pledge of safety.

The Gjklika family is not under a pledge of safety.

Ndue Lika's family is under a pledge of safety for its flock and shepherd.

9. Whoever touches sheep belonging to Nikaj or Shalë must pay 500 grosh or give a Martini rifle, the value of which is 500 grosh. He must also return two animals for every one stolen and pay 500 grosh to the owner of the stolen animals.

10. A detective is to receive 100 grosh for tracking down a sheep and twenty for tracking down a cow or an ox.

11. If a Nikaj or a Shalë man goes to a house to kill someone, he has leave to do whatever the fingers of his hand or the muzzle of his rifle can do. But chisels, wood and any form of iron are not to be used.

Whoever breaks this law, unless he is killed and buried, must pay 20 purses and until he pays them he must look out for his life. If he is killed, the matter must be left at a head for a head.

12. Whoever plays false to this pledge treating it with contempt or ignoring it must give an oath with 24 persons who must say they know nothing, as arranged by the other tribes. If he cannot give such an oath he must pay 20 purses like a man who kills another. [695]

13. A borrower who owes money to someone must go to the head of his ward. If he does not give this head satisfaction, he must go to the Bajraktar. If he does not give the Bajraktar satisfaction he is without protection. He may be robbed and killed until he enters the way of the Bajraktar.

14. The roads from Shalë and Nikaj to Shosh and Mertur are guaranteed by Shalë and Nikaj and if they are cut, 20 purses must be paid. [691]

15. The chapels (*koniqet*) of Nikaj and Shalë in which no candle is lit to St John, St Nicolas and St Bastian (Sebastian), are under a pledge of safety. [718]

16. Complaints in Shkodër and Gjakovë are annulled. [694]

VIII. Pledge for Flocks and Shepherds in Nikaj and Curraj, St John's Day, 1895.

(From Father Gjeçov, *Kanùn*, p. 120.)

1. Any man who kills a shepherd will have his house burned down and his land kept untilled for three years.

2. His neighbours will not have their houses burned down but must pay five purses, 1000 grosh of it for the master of the feud and three purses for the guarantors.

10:Hasluck F-5 (1926-1939)1954 EGl Albania EGl
[Pledge for Flocks + Shepherds in Nikaj + Curraj, St. Johns Day, 1895]

[68] [766] 3. Nobody may help to bury a murderer till three years have passed unless the master of the feud wishes. When somebody does help to bury him five purses must be paid to the master of the feud, either in money or in beasts, as may be arranged among themselves.

[628] 4. A murderer is never under a flock-and-shepherd guarantee until the murder has been avenged or the feud composed.

5. A cutter of pine slivers and a reaper with sickle are under a pledge of safety from the eve of St Anthony to the eve of Our Lady of Alshiqe.

6. A mower with scythe is under a pledge of safety.

7. A shooter is under a pledge of safety from the eve of St Anthony to the eve of Our Lady of Alshiqe.

8. The Ndermajë—Livath i Math (Great Meadow)—Shalë road and the Kodër Plak—Shalë road are under a pledge of safety for flock and shepherd.

9. Whoever steals small animals must pay 250 grosh and return two for every one stolen.

Whoever steals a cow or ox must pay 500 grosh and return two for every one stolen.

10. Whoever removes the tiles of a house must pay 500 grosh.

11. If a debtor does not meet his obligations he is to be accused before the head of his ward. If he still does not meet his obligations, he has no pledge of safety and may be robbed and killed until he enters the right path.

Guarantors: 3 tribes.

IX. Resolutions Made at Kashnjet, Mirditë, on August 17th, 1904.

(From Father Gjeçov, *Kanùn*, p. 128.)

We, the tribe of Dibër, met for some business in General Assembly at Kashnjet and we have examined the business legally as required by God and the Canon of Mirditë.

1. Whoever murders one of his kin shall be expelled for fifteen years from the tribe, his land shall be left untilled and he shall pay a fine of 100 rams and an ox and have his house burned.

2. Whoever allows a man who has murdered one of his own kin to enter his house becomes as guilty as the murderer.

3. The kindred which does not take the lead against such culprits commits a fault against the whole tribe.

[Here follow the names of the leaders, headed by the bajraktar.]

In whatever business the tribe may have these people will take the lead of the whole tribe.

Witness:

Dom Ndue Melguzhi, Pepaj, parish priest of Kashnjet.

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X. Decisions Taken on April 30th, 1905, by the Youth of Shalë.

(From Father Gjeçov, *Kanùn*, pp. 126–7.)

1. As from to-day up to Ash Wednesday the percentage on loans at interest is to be paid with 25 okes of grain. If this is not paid by Ash Wednesday, a percentage of 30 okes is to be taken by force from the debtor.

As interest 100 grosh or 100 okes of grain as the creditor wishes are to be paid. Let him take 100 grosh if it suits him, or if he says, 'I'll have grain', let them give him 100 okes of grain.

2. Grain is never to be given to anybody by a man of Shalë unless it is wanted for a funeral meal or it is desired to make a present of not more than 20 okes.

3. Raki is never to be produced by a man of Shalë at a funeral meal except during the seven weeks of Lent.

4. No man of Shalë is ever to give away more than 100 grosh either outside or inside the tribe.

A godmother is not to present a red *xhamadam* (sleeveless jacket).

No woman is to go to a wedding in a party of five or more and they are not to seek a woman outside the same house.[1]

5. Whoever fires the first shot in the yard of a church or inside its boundaries is to have his house burned and must pay 20 purses under the guarantee of flock-cum-shepherd and the youth of Shalë.

6. If a man disturbs a mass that is being said and if the priest, crucifix in hand, says, 'So-and-so has troubled me', the offender will have his house burned and must pay a fine of 2 oxen to the tribe.

7. Whoever touches Church property must pay a fine of 2 oxen to the tribe.

8. Whoever molests the Church servant must pay a fine of 2 oxen to the tribe.

9. If anyone borrows coffee and sugar from the priest for a funeral meal and does not return them to him within four weeks, and if the priest complains, he must pay a fine of one ox to the tribe.

10. Whoever steals an ewe, goat and cow from a man of Shalë and whoever does anything to his neighbour that disgraces him, shall have his harvest burned, his fields plucked bare and his grain panniers smashed. He will pay fines of one ox to the youth and 2 rams to the government representative.

11. These laws, enacted by the youth of Shalë together with the

[1] The last clause of § 4 is given as in Mrs Hasluck's MS., but there seems to be some mistake, as the corresponding passage in the Italian version of Father Gjeçov's *Kanùn* runs:

Lo shalano non può fare il compare più di 5 volte, e non può chiedere che si leghino in comparto più di 5 famiglie.

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[681] bajraktar, are perpetual like the law about fire[1] and other laws. Whoever breaks this law must pay an ox to the tribe and 300 grosh and a ram to the government's representative, otherwise he will have his house burned.

The Youth of Shalë
April 30th, 1905

XI. Laws Enacted by the Tribe of Kurbin on August 5–7, 1906.

(From Father Gjeçov, *Kanùn*, p. 129.)

[625] 1. Whoever joins the government police shall have his house burned and be excluded from funeral gatherings and hospitality.

[798] 2. A man who goes to complain to the Turkish government about a Christian shall pay a fine of 1000 grosh.

[675] 3. A man who steals from his neighbour or breaks into his house must, if he denies doing so, give his oath with 12 compurgators. If he proves to be a robber, he must pay a fine of 1000 grosh, and return to the owner of the house two for every article stolen.

4. If an ox is stolen and the accused denies the theft he must give his oath with 6 compurgators. If on enquiry he proves a thief, he must pay a fine of 500 grosh and return to the animal's owner two oxen for the one stolen.

This judgement holds also for a horse and a mule.

If a cow is stolen and the theft denied, the accused's oath needs three compurgators. If he proves a thief the penalty is returning two for one to the owner and a fine of 250 grosh. So too for a donkey.

If a bell-goat or a bell-wether is stolen two for one to the owner and a fine of three rams. If the theft is denied the oath must be given by the accused and all the males in his house.

For every small animal two for one to the owner and a fine of two rams. If the theft is denied the oath is with all the males in the accused's house.

5. Setting fire to a house[2] means a fine of 2500 grosh; to an animals' fold, a haystack and a hedge, a fine of 1500 grosh and returning two for one to the owner.

[623] 6. A man who does not come to a General Assembly when summoned by the village elder will be fined one ram.

[672] 7. If word is sent to the elders to come to a General Assembly anyone who does not come must pay a fine of five rams. If he has an excuse this will be weighed by the other elders.

[1] The Italian version already alluded to (Gjeçov's *Codice di Lek Dukagjini ossia Diritto Consuetudinario delle Montagne d'Albania*, Tradotto dal P. Paolo Dodaj, Roma, 1941) here reads *il mugnaio*, 'the miller' (cf. supra p. 263).

[2] The Italian version reads *La violazione (per furto) del focolare domestico*, and taking fire from a neighbour's hearth without permission is frequently taboo among primitive peoples.

10: Hasluck F-5 (1926-1939)1954 EGl Albania EGl
[Laws Enacted by the Tribe of Kurbin, Aug. 5-7, 1906]

8. As for jurors, in every crime committed in Kurbin, a murder excepted, the jurors must give their oath, saying, 'That it has been stolen from you, I don't know'.[1]

9. What an informant says is said with an oath of how it was in mind.[2]

10. If a man quarrels deliberately with another and without informing the village elder, he will be fined 500 grosh.

If he informs the village elder and the latter asks for a pledge of good behaviour from the one who is oppressing the other and this man refuses to give it, he will be fined 500 grosh.

If the village elder cannot put things right he gives both men a month's grace and informs the other elders who shall settle the quarrel in accordance with the local law.

11. Anyone who gives food or admittance to his house to a Christian or a Mohammedan who is a policeman in the service of the Sultan shall be fined 1500 grosh.

12. If a man breaks a pledge of security given and taken in the presence of elders and commoners in Kurbin, the elders and commoners are under an obligation to burn his house and to expel him from the tribe.

Written in Delbinisht, Kurbin, at the spring of water under the mulberry tree near the Archbishop's palace on August 5th, 6th and 7th, 1906.

Gjin Pjetër Mark Pervizi of Skuraj, Kurbin, senior elder among the 45 elders of the environs of Krue, in the name of the elders and commoners.

Also present at this General Assembly and registrars of the aforesaid laws:

Mgr. Nikollë Kaçorri, witness.

Father Shtjefën K. Gjeçov, Franciscan, witness.

XII. Letter from Shalë dated May 12th, 1907.

(From Father Gjeçov, *Kanùn*, p. 127.)

1. Greetings from the bajraktar of Shalë, the notables and youth to you, chiefs and youth of Theth. We beg to inform you that the undermentioned laws have been enacted by the tribe of Lower Shalë. We let you know, asking if you too will abide by these laws. We laid down the

[1] The Italian version of clause 8 runs: *Il dovere del giurato per tutto ciò che accada nel territorio di Kurbini, salvo che nelle cause di uccisione, consiste nel giuramento di non cognoscere il colpevole.*

[2] The Italian translator has *La deposizione del delatore deve essere accompagnata dal giuramento.*

10:Hasluck F-5 (1926-1939)1954 EGl Albania EGl

[Laws of Shalë, May 12, 1907]

681 laws and gave our oath to abide by them and not to break them. The laws are as follows:

628] 2. Pecnikaj enacted a law that when a man is murdered the murderer's heir shall find the guarantors and has three days of guaranteed safety. He has to go with the head of his ward to the victim's representative who shall give him a pledge of security for a week[1] and the murderer's 'brethren' shall bring forward two guarantors. If the victim's representative objects, he shall be left to nominate one and the murderer's 'brethren' shall nominate the other.

Whoever murders someone after the enacting of this law and the swearing of this oath has his safety guaranteed for three days.

Whoever commits a murder murders on his own responsibility and his own risk a person under the protection of Pecnikaj and will have a feud and will never be forgiven for that murder and if anyone kills him he does so by order of the whole tribe of Shalë.

3. Although this law was laid down by Pecnikaj, Lotaj, Abat and Bobi concur.

4. As representative for witnessing Theth's oath all Shalë has chosen Tahir Deli, who was at this meeting of the General Assembly.

5. Whoever murders someone in Shalë—apart from the actual murderer—must not burn his house.[2]

6. In case he burns his house[2] he must pay for a fine of four Martini rifles to the Youth of Shalë and must pay twice the value of the house and the damage done to the owner of the house.

7. If, after the 'brethren' of the murderer have gone to their homes, anyone goes to break into one of their houses either to burn it or to kill its men, he must pay to its owner and the Youth 20 purses and a life for a life.

8. Mules are under the protection of the Youth and anyone who takes them takes them subject to the appropriate penalty.

9. What is written in this letter is guaranteed by the bajraktar and the Youth of Shalë and the government's representative.

10. From Prekë Ndue Mashi to Ndue Ulë Bobi whoever pilfers a neighbour's unmilled grain must pay a fine of one ox to the Youth of the tribe and a ram to the government's representative.

XIII. Covenant of Mat.

(From the Albanian Newspaper *Tomori*, November 7th, 1942.)

681 1. The people of Mat, comprising 5000 families, hereby pledges itself either to denounce to the competent authorities or itself to arrest

[1] The Italian version above referred to seems to omit this provision for a week's security from revenge.

[2] According to the Italian translation the house of the murderer only shall be burned, and if anyone else's house is set on fire the murderer shall pay the specified fines.

10: Hasluck F-5 (1926-1939)1954 EG1 Albania EG1
[Covenant of Mat, 1942]

any political intriguers against the present régime who may be found within its territory.

2. If, after the conclusion of this covenant, one man kills another with or without just cause, his family shall be punished by the people of Mat with banishment from Mat for three years and his property, both movable and immovable, shall be confiscated and become state property.

3. The same penalties shall be imposed on any man who runs off with a betrothed girl or a married woman.

4. When a domestic animal has been stolen and the thief cannot be found, the village to which the tracks lead must either pay the animal's value or prove that the tracks lead away from its land.

5. Whoever aids criminals and gives them food and shelter renders himself liable to the penalties detailed in clause 2.[1]

6. Whoever carries arms of any description without declaring them renders himself liable to the death penalty.

7. Whoever spreads false rumours about the policy of the State, public security or public finances to the detriment of the present régime and its policy shall be punished as laid down by the Lieutenant-General's decree No. 185.[2]

8. The people's representatives are to regulate and to examine all complaints which may be made concerning land, irrigation, water, roads and forests and if a commission succeeds in settling a dispute between two persons, the decision of the commission shall be inviolable. If it is contested, the contestants shall take the matter to the proper court.

9. Land in Mat is generally held without regular title-deeds and ownership is proved by nothing but a written receipt (*senet*) and a meal according to the local custom. It appears that lately the ownership of properties bought 5, 10, 20 or 30 years ago with a receipt and a meal, as witnesses also confirm, is often disregarded or if regarded, is a constant source of disorders and murder. To put an end to such quarrelling the local Commission must not meddle with exchange of land so made until the Government has registered all the land according to the laws concerned.

10. The chairman of the Commission shall be the local sub-prefect, and its members the political secretary of the sub-prefecture, the gendarmerie commander, the Fascist Albanian militia's commander, and the representatives of the people who assist in drawing up the present covenant.

11. It is learned that Communists or, as some call them, Bolshevists, have made their appearance among us. We must get rid of these persons

[1] (Author's note. At this time the term 'criminals' included not only transgressors of the law but also patriots resisting Italian rule.)

[2] (Author's note. No copy of this decree can be found.)

10:Hasluck F-5 (1926-1939)1954 EG1 Albania EG1

[Covenant of Mat, 1942]

[681] whether they be young or old, and must not let them exist within the [665] boundaries of the district of Mat. If there are any such persons, the people of Mat, together with the local authorities, must destroy them, not only with the rifle, but also with the fist. For no one can endure a person who is a traitor and has neither character nor morals. The entire people must disown such men and attack them with all its strength until it destroys them root and branch.

[642] 12. By statutory law the Albanian and the Italian peoples are brothers with the same mother and the same father. That is to say, the two peoples have the same father who is the King Emperor and the King of both Albania and Italy. So we shall destroy anyone who insults the King by talking against him and we shall punish the fellow as specified in clause 2.

13. This Covenant which we have made at a plenary meeting of the people of Mat is to remain valid until the end of the General War, and anyone who breaks it is to be considered a traitor to his country and to the régime, that is to say, a betrayer of his fatherland and the régime.

Sgd. Beqir Sitki Hasa
Chairman of Commission
Sub-Prefect of Mat.

2: Durham B-5 (ca. 1910)1928 EG1 Albania EG1
Montenegrins EF5

A 593 681

of the padres, being Albanian mountain men themselves, thought this right, though they admitted that the beating was sometimes cruelly severe.

M A 562

In some ways the women have more freedom than among the Montenegrins, for they are permitted to give their opinion freely on important subjects, and it is often asked, and they join in general conversation. Nor do their husbands ever apologize for their existence.

In Montenegro, on the other hand, as often as not the master of the house has shouted: "Be quiet, woman," when his wife only wanted to ask some innocent question. I never heard any of Iké's views except when Krsto was out, and one was always hearing, "Long hair, short wits, a woman's head!" hurled at the women. The Albanian woman, on the other hand, would joke and chaff the men; would even, in the streets of Scutari, call their husbands out of the drink-shop and tell them they had had enough. Nor does the Albanian woman have to bow humbly and kiss the hand of every male visitor as does the Montenegrin peasant woman. Among the Dukagini I found the men would even fetch water—a thing no Montenegrin "junak" would condescend to do.

A 577 684

A curious case illustrating the rights of the husband occurred while I was in Albania. A mountain woman left her husband and came to Scutari, where she lived by prostitution among the Turkish garrison. The husband's honour was blackened, but if he killed his wife he would owe blood to her family. He therefore consulted her brother, her nearest surviving male relative. The brother agreed that his family, too, was blackened, and gave the man the cartridge wherewith to shoot her. Shot she was, and public opinion considered the husband had acted rightly and cleaned the honour of both families. I said that in such a case divorce should be permitted, but was told that so long as she was alive the family honour would still be black; a divorce would be useless.

5. Marriage Customs in Montenegro

M 583

In Montenegro, and all through the Serb-speaking lands, marriages were arranged by the head of the house. The young people were rarely consulted. A century ago in Montenegro infant and child betrothals were not uncommon, and the young couple did not see each other before marriage. Old Serbian ballads show that exogamy was the rule, for the hero, we are usually told, "sought his bride from afar." Such marriages were designed to strengthen the "house." We find in ballads and tales the youth who laments to his father that no wife has yet been found for him; to whom his father replies: "I have long sought

M [582]

2: Durham B-5 (ca. 1910)1928 EG1 Albania EG1
Montenegrins EF5

A 754 of the blood on a silver coin, wrap it up, and wear it as an amulet. It will protect you from all blood-sucking shtrigas.

A [163 761] Shtrigas especially like the blood of children. Child mortality in all Balkan lands is exceedingly high. It is not unusual to find women who have borne from eight to twelve children, of whom none, or but one or two, survive. Nor could I ever make them believe that it was the way in which the babes were kept that was the real cause. So terrified are the mothers that the Evil Eye may fall on the child that they guard it by keeping its heavy wooden cradle wrapped in a thick woollen coverlet. No Evil Eye, and no ray of light or breath of fresh air, can penetrate. When suckling, the mother takes the cradle on her knees or kneels over it, and raises just enough of the rug to enable her to give the breast; both cradle and child are hung with amulets. The same method, too, is popular in Montenegro and Bosnia. I have seen luckless infants as white as bleached celery, slowly pining away; but the poor mother believed the pining due to a shtriga, who had put a curse on her breast and poisoned her milk, or had looked at the child with an Evil Eye. Only the very strong survive. Marko used to prescribe washing the child with a decoction of walnut leaves. Neither he nor anyone else would believe me when I begged for fresh air and sunlight.

A [751] M 754 853 A [853 777] A 755

A 754 755 Only she who has caused the evil can undo it. My old friend, Tony Precha, who was a mine of old-world lore, told me how a shtriga was forced to do this: "The child of our neighbour was slowly pining away. It was the work of a shtriga. One day it died. I saw it cold and dead. The father, in a fury, shouted that he knew who had killed it. He rushed out and caught a woman and dragged her in. She screamed and denied that she had done it. He dragged her to the dead child, crying, 'Spit in its mouth!' She refused, and struggled and screamed. If she did not spit before the sun went down it would be too late. She knew this, and that was why she would not spit, for it was already late. Then the father, in despair, put his pistol to her head and shouted, 'Spit or I fire!' She spat. The father threw her out of the door. Then we watched the child. Very slowly it began to revive, and in three hours it was quite well. The father had saved it by acting at once." And Tony saw this with his own eyes.

A [681]

How apt are most of us to believe that *post hoc* is *propter hoc*.

A 754 776 777 In Albania evil spirits are most active in the spring. Garlic is tied round children's necks on or about Shrove Tuesday as a special precaution. In Shala, and, I believe, other tribes, the women tie a black cord with three knots in it to the doorposts along with a pair of scissors, the wool-carding comb, and some berries (species unknown). This is not merely to protect the house, but to prevent shtrigas and bad spirits

2:Edmonds T-3 (1926?) 1927 E13 Balkan Peoples
Albania E61

The Vendetta[1]

At that time, the blood feud and the 628
vendetta were the chief preoccupations of the mountain folk 577
and murders and killings were of frequent occurrence. Men were liable to be shot at any moment, and often were shot, solely because their ancestors of several generations back had quarrelled over some trivial matter. Albanians claim to-day that the vendetta is a thing of the past, but I had no difficulty in ascertaining that the claim is not well founded; vendetta crimes are still common, and even while I was in Scutari a murder "in revenge" was reported to the police.

The following story illustrates very well the sacrifices demanded by the code:—

A bitter blood feud had waged for several generations between two families in a remote mountain district. The head of one family died and the headship, and with it the duty of carrying on the vendetta, devolved upon another member of the family who was, as it happened, the village priest. One would have thought that his office would release him from the necessity of committing a murder. But it did not. He bided his time and shot his enemy dead. Then, as there was no other priest within many miles of the place, he officiated—difficult though it is to credit it—at the funeral of his victim.

Notwithstanding that a vendetta murder is committed [681] ●
in defence of the family honour it is, if the gendarmes succeed in tracing and arresting the perpetrator, invariably punished by hanging. The code of the mountaineers is so strict, however, that the penalty acts as no deterrent. A man who fails in his duty to kill an enemy of his house is outlawed

1 [two years before World 275 War I -- Analyst]

2:Edmonds T-3 (1926?) 1927 E13 Balkan Peoples
Albania E61

628 [511] from his own fireside, and he would rather face the gallows than the contempt of his family.

Even apart from the vendetta, the Albanian of this type is sometimes rather too ready to use his gun. Shortly before I was in Scutari a man was killed in a quarrel. It seems that the local schoolmaster had occasion to chastise one of the scholars. The boy's father was angry about it and called on the schoolmaster to remonstrate, taking a friend with him. In the ensuing dispute all lost their tempers and the friend unwisely " butted in." Whereupon the schoolmaster drew a revolver and shot the man dead.

674 681 The act which makes the carrying of firearms illegal is very necessary, and it is a pity that it cannot be enforced in this part of Albania as it has been elsewhere. But the inaccessibility of the mountain villages, and the lawlessness which makes the carrying of a weapon almost obligatory for self-protection, are at the moment insuperable difficulties. All that the gendarmes have been able to do so far is to insist that rifles shall be deposited at the police post outside Scutari before their owners enter the town. This explains what at first puzzled me—why the men in the streets of Scutari and in the Scutari bazaar were decorated with belts full of cartridges and yet no guns or rifles were in evidence.